

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

SULTAN SALAAM SHAREEF

§

VS.

§

CIVIL ACTION NO. 1:09cv1014

WARDEN ALFORD

§

MEMORANDUM OPINION AND ORDER

Plaintiff Sultan Salaam Shareef, formerly an inmate at the LeBlanc Unit, proceeding *pro se*, brought this civil rights action pursuant to 42 U.S.C. § 1983.

Discussion

Plaintiff filed the complaint in this action on the standardized complaint form used for filing a complaint pursuant to 42 U.S.C. § 1983. A review of case filings, however, reveals that plaintiff has another civil action, styled *Shareef v. Alford*, civil action no. 1:09cv86, currently pending before the court. Further, on December 3, 2009, the Clerk was ordered to provide plaintiff with a complaint form, and plaintiff was ordered to complete the form and return it to the court within thirty (30) days. Thus, it appears plaintiff's pleading, filed as an original complaint in this case, was actually his attempt to comply with the court's order of December 3, 2009 in civil action no. 1:09cv86. Accordingly, the above-styled action should be dismissed as improvidently filed.

O R D E R

For the foregoing reasons, the above-styled action should be dismissed without prejudice as improvidently filed. The complaint in this action should be filed as an amended complaint in civil action no. 1:09cv86, styled *Shareef v. Alford*. It is therefore

**ORDERED** that the Clerk of Court is **DIRECTED** to file the document filed as the original complaint in this action as an amended complaint in civil action no. 1:09cv86, styled *Shareef v. Alford*. A final judgment will be entered in accordance with this memorandum.

**SIGNED** this the **5** day of **January, 2010**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge